

STATE OF ILLINOIS)
)
COUNTY OF C O O K) SS

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for an on behalf
of the People of the State of Illinois,

- Petitioner

vs.

ILLINOIS CENTRAL RAILROAD COMPANY,
a corporation n/k/a ILLINOIS CENTRAL GULF
RAILROAD COMPANY; and

UNKNOWN OWNERS

- Respondents

Petition for approval of the taking or damaging
of certain properties owned by a public utility in
Cook County, Illinois by exercising the right of
eminent domain

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APR 30 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

Parcel No. ODE0167DED and
ODE0167TE

Docket No. 702-0041

PETITION FOR APPROVAL TO TAKE PROPERTY

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a
Department of the State Government of Illinois, by JAMES E. RYAN, Attorney General of the State
of Illinois, and Douglas G. Felder, Special Assistant Attorney General, pursuant to Section 102 of
the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce
Commission for the taking and/or damaging of certain properties owned by Illinois Central Railroad

Company, a corporation, n/k/a Illinois Central Gulf Railroad Company (the "Utility"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1. Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, 2000), Petitioner is engaged in a project to widen, reconstruct, and improve 159th Street FAP 351 (US 6) from I-294 to Halsted Street in Cook County.

2. Under the Illinois Highway Code, 159th Street FAP 351 (US 6) from I-294 to Halsted Street in Cook County is a part of and included in the State Highway System.

3. Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, 2000) provides:

"The Department, in its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4. The project to widen and improve FAP 351 (US 6) from I-294 to Halsted Street in Cook County constitutes a public purpose, namely construction and improvement of the roadway, structures and intersections at or adjacent to FAP 351 (US 6) from I-294 to Halsted Street in Cook County.

5. The Utility is subject to the jurisdiction of the Commission.

6. The Utility is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real property is located at or adjacent FAP 351 (US 6) from I-294 to Halsted Street in Cook County and

the Petitioner has deemed it necessary to improve the structures and intersections at 159th Street FAP 351 (US 6) from I-294 to Halsted Street in Cook County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7. Petitioner has been authorized to acquire a perpetual easement for public highway purposes together with the right to permit others to use or operate, install, maintain, alter, repair, replace, renew, improve and remove other facilities and structures including but not limited to, underground communication lines, fiber optics, wire, or other means of electricity, voice data, video, digitized information, pipes and conduits, upon and beneath the surface of the said premises, and overhead wires, cables, and poles or other structures for the support of such facilities and structures to Parcel No. ODE0167DED and a temporary easement for construction purposes for three years or the completion of construction, whichever occurs first, as to Parcel No. ODE0167TE, the legal descriptions are set forth in Exhibit A, which Exhibit is attached hereto and incorporated by reference, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the structures at FAP 351 (US 6) from I-294 to Halsted Street in Cook County for the use of the People of the State of Illinois.

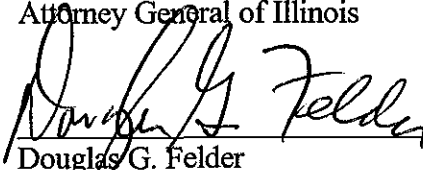
8. The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the Utility although Petitioner has attempted to effect such an agreement. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking or damaging of the Utility's property described in Exhibit A.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the above described real property of the Utility by the exercise of the right of eminent domain.

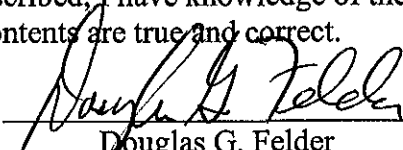
THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and
on behalf of the People of the State of Illinois

By: JAMES E. RYAN
Attorney General of Illinois

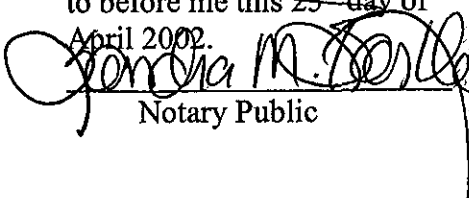
By: 
Douglas G. Felder
Special Assistant Attorney General

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

I, Douglas G. Felder, being first duly sworn, upon oath, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, I have knowledge of the contents thereof, and that on information and belief said contents are true and correct.


Douglas G. Felder
Special Assistant Attorney General

SUBSCRIBED and SWORN
to before me this 25th day of
April 2002.


Notary Public



AFFIDAVIT OF SERVICE

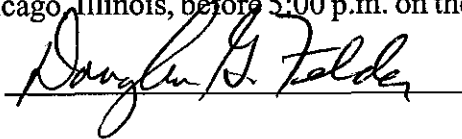
I, Douglas G. Felder, an attorney, certify that I served the foregoing Petition upon the following addresses at their respective addresses set forth:

VIA CERTIFIED MAIL AND U.S. MAIL

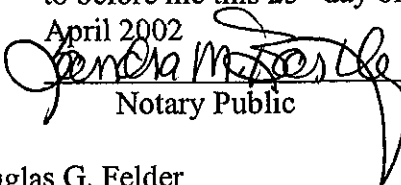
Illinois Commerce Commission
527 East Capital
Springfield, Illinois 62708 (original and three copies)

Thomas Zeinz
Illinois Central Gulf Railroad Company
c/o Canadian National/Illinois Central
17641 South Ashland Avenue
Homewood, IL 60430

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at 20 South Clark Street, Chicago, Illinois, before 5:00 p.m. on the 25th day of April, 2002



SUBSCRIBED and SWORN
to before me this 25th day of
April 2002


Notary Public

OFFICIAL SEAL
SANDRA M BARTLEY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 03/02/07

Douglas G. Felder
Douglas G. Felder, P.C.
Special Assistant Attorney General
20 South Clark Street
Suite 2000
Chicago, Illinois 60603
312/634-3509

Owner: Illinois Central Railroad Company
Route: FAP 351 US Route 6 (159th Street)
Section:
County: Cook
Job No.: R90-011-99
Parcel No.: ODE0167-DED
Station 0+845.479 to Station 0+967.379
Index No.: 29-17-412-002

Parcel ODE0167-DED

The East 7.00 feet of lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 in Block 112 in Harvey, being a subdivision of part of the South half of Section 17, Township 36 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded February 2, 1891 as Document No. 1412971 in Cook County, Illinois.

Said parcel containing 0.064 acre, more or less.

December 14, 2000

20000161 par ode0167ded

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DEC 14 2000
PLATS & LEGALS

EXHIBIT "A"
(1 of 2)

✓

Owner: Illinois Central Railroad Company
Route: FAP 351 U.S. Route 6 (159th Street)
Section:
County: Cook
Job No.: R90-011-99
Parcel No.: ODE0167TE
Station 1+122.000 To Station 1+168.482
Index No.: 29-17-412-002

Parcel ODE0167TE

That part of Lots 4, 5, 6, 7, 8, 9, and 10 in Block 112 in Harvey, being a subdivision of part of the Southeast quarter of Section 17, Township 36 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded February 2, 1891 as Document No. 1412971 in Cook County, Illinois, described as follows: Commencing at the Northeast corner of said Lot 4; thence on an assumed bearing of South 89 degrees 20 minutes 00 seconds West, on the north line of said Lot 4, a distance of 7.00 feet to the point of beginning; thence South 69 degrees 59 minutes 42 seconds west, 63.66 feet; thence South 00 degrees 29 minutes 18 seconds East, parallel with the east line of said Lot 4, a distance of 98.43 feet; thence South 61 degrees 49 minutes 06 seconds East, to the west line of the east 7.00 feet of said Lot 10; thence North 00 degrees 29 minutes 18 seconds west, on said west line and on the west line of the east 7.00 feet of said lots 9, 8, 7, 6, 5, and 4, a distance of 152.50 feet to the point of beginning.

Said parcel containing 0.173 acre, more or less.

March 23, 2001

20000161\parODE0167te

EXHIBIT "A"
(2 of 2)

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MAR 23 2001
PLATS & LEGALS

PART OF THE SE.1/4 OF SEC. 17, T.36N., R.14E., OF THE 3rd P.M., IN COOK COUNTY, ILLINOIS.

PARCEL NO.	OWNER	TOTAL ACRES	REMARKS	PREV. ACRES	ASSES. ACRES	EXEMPT. INDEX NUMBER	PERMANENT TAX	PROPERTY TAX
0000187	ELIUS CENTRAL ROAD	N/A	280-000	N/A	N/A	0173	28-17-41-004	PROPERTY TAX
0000188	SCOTT HILLMAN TRACT & SAVINGS BANK, AS TRUSTEE	N/A	280-000	N/A	N/A	0173	28-17-41-004	PROPERTY TAX
0000189	TRUST NO. 8652	N/A	280-000	N/A	N/A	0173	28-17-41-004	PROPERTY TAX

SECTION	OWNER	REMARKS	PREV. ACRES	ASSES. ACRES	EXEMPT. INDEX NUMBER	PERMANENT TAX	PROPERTY TAX
1	ELIUS CENTRAL ROAD	280-000	N/A	N/A	0173	28-17-41-004	PROPERTY TAX
2	SCOTT HILLMAN TRACT & SAVINGS BANK, AS TRUSTEE	280-000	N/A	N/A	0173	28-17-41-004	PROPERTY TAX
3	TRUST NO. 8652	280-000	N/A	N/A	0173	28-17-41-004	PROPERTY TAX

PLAT OF HIC
STATE OF IL
DEPARTMENT OF TR
FAP 351 U.S. RTE. 6
BUREAU OF LAND
201 WEST CENTE

RUETIGER, TONELLI &
Land Surveying/Engineering/Planning
201 West Center
Chicago, IL 60601
Tel: 312-555-1234
Fax: 312-555-1235

* DENOTES THE DISTANCE FROM THE 1/4 SECTION LINE. CENTERLINE IS NO SECTION LINE AT LABEL POSITION.
SEE SHEETS FOR COORDINATES.

DATE AT JURY, ELIUS THIS DAY OF AD.

STATE OF ILLINOIS
COUNTY OF WILL
THIS IS TO CERTIFY THAT RUETIGER, TONELLI & ASSOCIATES, INC., AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAS SURVEYED AND PLATTED THE ABOVE SHOWN SECTION 17, TOWNSHIP 36 NORTH, RANGE 14 EAST, COOK COUNTY, ILLINOIS, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF HIS KNOWLEDGE AND BELIEF THAT THE PLAT CORRECTLY REPRESENTS THE FIELD SURVEY AND THAT THE SURVEY IS IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT AND THE ILLINOIS CONSTITUTION AND THAT THE SURVEY IS IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT AND THE ILLINOIS CONSTITUTION AND THAT THE SURVEY IS IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT AND THE ILLINOIS CONSTITUTION.

ELIUS PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
COUNTY OF WILL
DATE AT JURY, ELIUS THIS DAY OF AD.

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EXHIBIT "B"

